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WAR FOOD ADMINISTRATION

[WFO 109]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

SOLUBLE COFFEE AND SOLUBLE COFFEE PRODUCTS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of soluble coffee and soluble coffee products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1490.7 *Restrictions relative to soluble coffee and soluble coffee products—*
(a) *Definitions.* (1) "Soluble coffee" means the dried, powdered, water soluble solids derived from the brew of roasted and ground coffee.

(2) "Soluble coffee products" means soluble coffee to which there has been added any carbohydrates or other ingredient.

(3) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(4) "Governmental agency" means (i) the Armed Services of the United States (excluding for the purpose of this order United States Army Post Exchanges, United States Navy ships' service departments, and United States Marine Corps post exchanges); (ii) the War Food Administration (including, but not being restricted to, any corporate agency thereof); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a war food order, is entitled to purchase soluble coffee or soluble coffee products subject to this order.

(5) "Armed Services of the United States" means the Army, the Navy, the Marine Corps, and the Coast Guard of the United States.

(6) "Director" means the Director of Distribution, War Food Administration.

(b) *Restrictions.* (1) All soluble coffee and soluble coffee products owned on August 1, 1944, by a manufacturer thereof shall be set aside immediately on such date by such manufacturer and thereafter held for sale and delivery to a governmental agency. All soluble coffee and soluble coffee products manufactured on or after August 1, 1944, shall

be set aside immediately by the respective manufacturer thereof and thereafter held for sale and delivery to a governmental agency.

(2) The provisions of this order shall be observed without regard to contracts heretofore or hereafter entered into or any rights accrued or any payments made thereunder. This order shall not, however, be construed as reducing the amount of soluble coffee or soluble coffee products which any person is required to offer or deliver pursuant to a contract heretofore or hereafter entered into with a governmental agency.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of soluble coffee and soluble coffee products of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in soluble coffee and soluble coffee products.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 109, Special Commodities Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said

review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (e) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(f) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using the material subject to priority or allocation control pursuant to this order. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref. WFO 109.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 1, 1944.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

Issued this 28th day of July 1944.

WILSON COWEN,
Assistant War Food Administrator.

War Food Administration,
Summary to WFO 109.

Effective August 1 soluble coffee manufacturers will be required to set aside all current inventories and 100 percent of future production of soluble coffee to assure fulfillment of requirements of the armed forces and other government agencies. This action by the War Food Administration is provided in War Food Order 109.

Lack of sufficient quantities of soluble coffee to meet program schedules of the

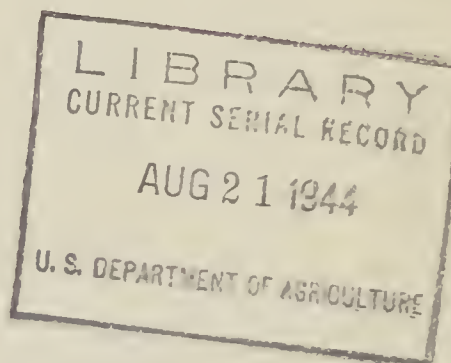
War Food Administration and the Office of the Quartermaster General was discussed with industry representatives. They pointed out that the capacity of the industry is scarcely more than enough to meet the demands of the combined government agencies, making it necessary, therefore, for a 100 percent set-aside of the product if these war needs are to be met.

Especially adaptable to use in condensed field rations, for lifeboat rations, or for use under any combat conditions

where it is impossible to use other forms of coffee, soluble coffee fills a very definite need in the war food picture, officials said. Also because of its condensed form and ease of preparation it is shipped in large quantities by the Red Cross to prisoners of war.

WFO 109 will remain in effect until the set-aside stocks are sufficient to assure necessary quantities for the WFA and Quartermaster General's programs. The action will not affect the roasted coffee industry.

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WAR FOOD ADMINISTRATION
OFFICE OF DISTRIBUTION
WASHINGTON 25, D. C.

OFFICIAL BUSINESS

Penalty for Private Use to Avoid Payment of
Postage, \$300

WAR FOOD ADMINISTRATION
[War Food Order No. 109, as Amended, Termination]
Part 1490-Miscellaneous Food Products

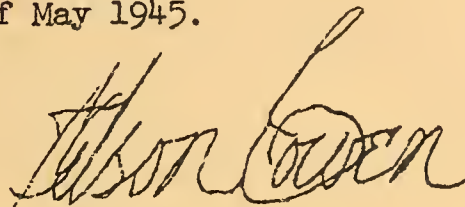
SOLUBLE COFFEE AND SOLUBLE COFFEE PRODUCTS

War Food Order No. 109, as amended (9 F.R. 9134; 10 F.R. 103), is terminated as of 12:01 a.m., e.w.t., June 1, 1945, but all soluble coffee and all soluble coffee products set aside, at the effective time of such termination, pursuant to War Food Order No. 109, as amended, shall continue to be held as set-aside soluble coffee or soluble coffee products and may be sold or disposed of only to a government agency, as defined in War Food Order No. 109, as amended, unless otherwise released, from the set-aside restriction, by the Director of Marketing Services, War Food Administration.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 109, as amended, prior to the effective time of this termination order, all provisions of said War Food Order No. 109, as amended, in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 31st day of May 1945.



/s/ Wilson Cowen
Assistant War Food Administrator

